REMARKS

The Final Office Action mailed July 1, 2004 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

A "Petition for Extension of Time" for extending the due date for responding to the Office Action by one month and a credit card payment form to cover the fee payment ($110.00) for the extension are filed with this Amendment. Authorization is granted to charge counsel's Deposit Account No. 01-2300, referencing **Attorney Docket No. 108066-00027**, for any additional fees necessary for entry of this Amendment.

With respect to paragraphs 4 and 5 of the Office Action, the undersigned counsel greatly appreciates the telephone interview with the Examiner concerning the clarification over these paragraphs and the faxing of the corrected Office Action by the Examiner to the undersigned counsel.

Claims 1, 6, 11, 16 and 21 have been amended. Applicants submit that the amendments made herein are fully supported in the Specification and the drawings, as originally filed, and therefore no new matter has been introduced. Accordingly, claims 1-25 are pending in the present application and are respectfully submitted for reconsideration.

Claims 1, 6, 11, 16 and 21 were finally rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 6, 11, 16 and 21 have been amended in response to the Examiner's rejections. Specifically, the claims have been amended to recite, in pertinent part, "wherein said checking step comprises a step for checking for said interference based on memory usage information :n said signature data of the program to be installed indicating indicting to be used memory are: to be used by executing the installed program in said signature data said program after installation and memory usage information of said other already installed programs",

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support of which is found in the Specification of the invention (p. 14, l. 21 — p. 15, l. 10). The rejections are respectfully traversed and reconsideration is requested.

Claims 1, 2, 4-7, 9-12, 14-17, 19-22 and 24-25 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over the Parthasarathy et al. patent (U.S. Patent No. 6,347,398) in view of the Brewer patent (U.S. Patent No. 6,295,645). Dependent claims 2 and 4-5, dependent claims 7 and 9, dependent claims 12 and 14-15, dependent claims 17 and 19-20, and dependent claims 22 and 24-25 depend from independent claims 1, 6, 11, 16 and 21, respectively. The rejections are respectfully traversed and reconsideration is requested.

Independent claim 1, as amended, recites a program installation method comprising a step of receiving a program's signature data; a step of checking for interference with other already installed programs on the basis of the signature data; and a step of authorizing the installation of programs with which there is no interference, wherein the checking step comprises a step for checking for interference based on memory usage information in the signature data of the program to be installed indicating memory area to be used by the program after installation and memory usage information of the other already installed programs. Independent claim 6 directed to a program executing apparatus, independent claim 11 directed to a program installation method, independent claim 16 directed to a program installation system and independent claim 21 directed to a storage medium have all been similarly amended. It is respectfully submitted that the Parthasarathy et al. patent in view of the Brewer patent do not disclose or suggest the program installation method, system, executing apparatus and storage medium, as claimed in the present invention.

The Parthasarathy et al. patent is directed to a computer system with a code verification module 62 that checks a digital signature in a digital certificate included in the downloaded software component to ensure the downloaded software component is safe (e.g., computer virus

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and corruption free) on the local computer 36. As acknowledged by the Examiner, the Parthasarathy et al. patent "does not explicitly check for interference based on memory usage", as claimed in the present invention.

The Examiner proceeds to rely on the Brewer patent as disclosing "checking for sufficient resources for a processor to run code that has had a signature verification (column 22, lines 19 - 29)". The Brewer patent, however, merely discloses that signature verification is conducted to authenticate an applet before decrypting the applet and that after authentication and decryption the applet determines whether an appropriate processor has sufficient resources to run code. Specifically, in the Brewer patent, an encrypted, digitally signed applet (JAVA Bean) is downloaded to a device running a JAVA virtual machine. If the digital signature is verified to be valid and comes from a trusted source, the applet is decrypted and then applet determines whether an appropriate processor has sufficient resources to run the native code in the applet. Such is not equivalent or analogous to checking for interference based on memory usage information in the signature data of the program to be installed indicating memory area to be used by the program after installation and memory usage information of the other already installed programs, as claimed in the present invention. Rather, the checking step in the present invention is checking for interference based on memory usage information, for example, whether read or read/write regions of the memory information read or write to data regions which are code regions of already installed applications, and not merely checking for sufficient resources to run a program. Indeed, even if there were sufficient resources to run the program, the present invention will prevent the installation of the program if interference will occur because security cannot be maintained. Accordingly, the Brewer patent also does not disclose or suggest checking for interference based on memory usage information, as claimed.

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Since neither the Parthasarathy et al. patent nor the Brewer patent discloses the <u>checking for interference based on memory usage information</u>, as claimed in the present invention, it is submitted that the alleged combination of these references also does not disclose or suggest the present invention, as claimed. Nor even if the references were combinable, as suggested, would such alleged combination result in the claimed invention. It is therefore submitted that the references, either alone or in alleged combination, fail to disclose or suggest the program installation method, system, executing apparatus and storage medium, as claimed, comprising, in pertinent part, checking step comprises a step for checking for interference based on memory usage information in the signature data of the program to be installed indicating memory area to be used by the program after installation and memory usage information of the other already installed programs. Based upon the forgoing, it is respectfully submitted that independent claims 1, 6, 11, 16 and 21 are patentable and in condition for allowance. Reconsideration is respectfully requested.

It is further submitted that dependent claims 2, 4-5, 7, 9, 12, 14-15, 17, 19-20, 22 and 24-25 are also patentable and in condition for allowance due to their dependency upon independent claims 1, 6, 11, 16 and 21, since the dependent claims differ in scope from the corresponding parent claims. Dependent claims 2 and 4-5, dependent claims 7 and 9, dependent claims 12 and 14-15, dependent claims 17 and 19-20, and dependent claims 22 and 24-25 depend from independent claims 1, 6, 11, 16 and 21, respectively, and thus are further limited to additional features of the invention. Therefore, it is respectfully submitted that the dependent claims are patentable over the Parthasarathy et al. patent in view of the Brewer patent for at least the reasons set forth above with respect to independent claims 1, 6, 11, 16 and 21. Reconsideration is requested.

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Dependent claims 3, 8, 13, 18 and 23 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over the Parthasarathy et al. patent in view of the Brewer patent and in further view of the Mast patent (U.S. Patent No. 5,881,287). The rejections are respectfully traversed and reconsideration is requested.

With reference to the above arguments concerning the independent claims, it is further submitted that the Parthasarathy et al. patent, the Brewer patent and the Mast patent, either alone or in the alleged combinations suggested by the Examiner in the Office Action, do not disclose or suggest the content of dependent claims 3, 8, 13, 18 and 23, which depend from independent claims 1, 6, 11, 16 and 21, respectively. As acknowledged by the Examiner, the Parthasarathy et al. patent, in alleged combination with the Brewer patent, fail to disclose "registration of signature data". The Examiner proceeds to rely on the Mast patent as disclosing "registration of an application program signature (column 62, lines 40 – 42)". The Mast patent, however, merely discloses an encryption/decryption scheme based on an encryption key and an application's "signature" recorded in the application's program files using a virtual device driver and decryption server. Specifically, an application signature and a corresponding Developer's encryption key are stored in an internal table of encryption keys of the Decryption VxD (virtual device driver) during the installation of the application. However, the Mast patent does not disclose or suggest a step for registering the signature data of an authorized program, as claimed in the present invention, namely, memory usage information of the program to be installed indicating memory area to be used by the program after installation. Rather, the application signature in the Mast patent is merely used to determine the authenticity of the application requesting access to encrypted files. Nor does the Mast patent disclose or suggest checking for interference based on memory usage information, as claimed in the present invention. Accordingly, the Mast patent also does not disclose or suggest the program installation method,

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system, executing apparatus and storage medium, as claimed. Moreover, there is no suggestion to combine the references, as suggested by the Examiner in the Office Action. It is therefore submitted that the dependent claims are also patentable and in condition for allowance. Reconsideration is requested.

Entry of this Amendment after final rejection is therefore submitted as proper in that it places the application in condition for allowance. Particularly, the present Amendment is submitted as not raising new issues or requiring further consideration or searching. Undersigned counsel would accordingly appreciate the Examiner telephoning counsel prior to the expiration of the six-month statutory period (i.e., January 1, 2005) to indicate the disposition of this Amendment.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicants' undersigned counsel at the telephone number, indicated below, to arrange for an interview to expedite the disposition of this application.

Dated: November 1, 2004   Respectfully submitted,

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